

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE - SE/Corner Reisterstown Road and Strawhat Road (10615 Reisterstown Road) 4th Election District 3rd Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-94-SPHX

Crown Stations, Inc. Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 5637-RX; a special exception to permit a food store with less than 5,000 sq.ft. as a use in combination with a gasoline service station (Gas & Go); and a variance to permit a front yard setback of 33.5 feet in lieu of the required 35 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Bernard F. Mannion, Real Estate Division, and Michael P. Malone, Engineering Division, appeared, testified and were represented by Andrew Lapsowker, Esquire. Also appearing and testifying on behalf of the Petitions was Helen Shepard, Independent Operator for Petitioners at the subject location. There were no Protestants.

Testimony indicated that the subject property, known as 10615 Reisterstown Road, consists of .82 acres zoned B.L., and is improved with a gas and go service station. Petitioners testified the subject property was granted a redistricting from R-10 to B.L. and a special exception for a gasoline filling station subject to restrictions in Case No. 5637-RX by the then Zoning Commissioner, John Rose by Order dated September 27, 1962. Petitioners concede that if the subject property was vacant land, a new service station would not be able to satisfy the locational criteria of Section 405.2 of the B.C.Z.R. Subsequently, in Case No. 86-319-A the

property was granted variances for a side yard setback from the street right-of-way of 2.5 feet in lieu of the required 6 feet and other business signs totalling 181.3 sq.ft. in lieu of the maximum permitted 100 sq.ft. by Order dated April 15, 1986. Testimony indicated Petitioners are desirous of removing the existing attendant kiosk and replacing same with a new building consisting of 462 sq.ft. which will contain a food store ("express mart") and an area where customers can pay for gasoline purchases. The express mart would sell limited convenience items such as milk and bread, etc. Petitioners concede a service station is not permitted as of right or by special exception under the current B.C.Z.R.

Ms. Shepard testified she has been the Dealer at the subject location for the past four years and has been involved in previous operations of the business with her husband since 1971. Ms. Shepard testified in her opinion the addition of the express mart will not have any negative impact on the community or create any additional traffic congestion.

Petitioners filed the instant Petition when the Office of Zoning raised the issue as to whether or not the site, which is located within the B.L. zone, is permitted to add a food store with less than 5,000 sq.ft. of retail sales area since the service station is not permitted as of right or by special exception as currently zoned under the B.C.Z.R. Therefore, the service station use is a nonconforming use and as such, is governed by the requirements of Sections 104 and 405.8A of the Baltimore County Zoning Regulations (B.C.Z.R.). Petitioner contends that Section 405.8A permits as of right the expansion or construction of a gas station and any ancillary uses as listed in Section 405.4C. Section 405.8A states that:

Notwithstanding other provisions of these Zoning Regulations to the contrary, any automotive-service sta-

tion which legally existed on December 31, 1967 and which has not lost its permitted status by reason of the termination of a special exception applying thereto shall be governed by the provisions of the following paragraphs:

A. Subject to the provisions of Paragraph C, below, the main structure of any such automotive-service station may be expanded or reconstructed and any ancillary uses listed in paragraph 405.4.C may be added to any such establishment, provided that such station and all such expansion, reconstruction, or addition of uses: is either confined to the limits of the site as it existed on December 31, 1967 or to an expanded site as approved under Paragraph B...

Petitioner noted that while a food mart is not one of the permitted ancillary uses, a portion of Section 405.4C states that:

...Only uses listed in this Paragraph C or in Paragraph D (Uses in Combination with Service Stations) shall be permitted in conjunction with any service station regulated under this Subsection 405.4...

A food store with less than 5,000 sq.ft. is a use in combination under Section 405.4. The ancillary uses listed in Section 405.4C are permitted as of right with a service garage use, while uses in combination listed in Section 405.4.D5 are permitted only after a special exception hearing.

Subsequent to the hearing, Petitioner submitted a Memorandum of Law in support of its position that the relief requested is proper. Petitioners' Memorandum rests on two arguments.

First, Petitioners contend "the conversion of the existing island attendant kiosks to a small express mart is at most, an intensification of an existing use and not a new or different use" and would be permitted under Section 104.1 of the B.C.Z.R. and the case law interpretation of nonconforming uses. Section 104.1 of the B.C.Z.R. states:

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming

use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used.

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property. Petitioners have established that the property enjoys a nonconforming use as a service station.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change or a change is proposed in the use of the subject property. A determination must be made as to whether or not the addition of the food mart is a different use, and therefore, not permitted as part of the service station non-conforming use. If the food mart use is found to be different than the original use, the proposed use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

Whether or not the food mart use represents a permissible intensification of the nonconforming use or an actual change from the prior legal use must be examined. In order to decide whether or not the proposed food mart activity is within the scope of the non-conforming use, the following factors must be considered:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

McKemy v. Baltimore County, Md., Supra.

The facts of the case do not support Petitioners' argument that the addition of the food mart to the service station is permitted as "it is at most an intensification of an existing use and not a new or different use and/or an ancillary use listed in Section 405.4C." In 1970, Petitioners were granted a special exception for the use of the property as a service station. The zoning regulations are very clear that food stores and service stations are not one and the same use. The effect is clearly different as in all cases the zoning regulations require a special exception hearing in order to add a food store to an existing service station, whether or not the station and/or a food mart standing alone are permitted as of right in a particular zone. Although the physical change to the site may not be a drastic enlargement or extension, the addition of a food mart is the addition of a new use. In my opinion the addition of a separate use, distinguishable from the nonconforming use as a second use, is not mere intensification.

Section 101 of the B.C.Z.R. defines "accessory use or structure" as follows:

...An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. (underlining added)

Clearly, the proposed food store with less than 5,000 sq.ft. is a use in combination under the zoning regulations and said addition would consist of a second use and therefore a different use not permitted under McKemy

and/or Section 405.8A. Petitioner's argument that the expansion is permitted under Sections 405.8A and 405.4C is rejected.

The Petitioners' second argument that the relief requested is appropriate based upon other cases in which the Zoning Commissioner and Deputy Zoning Commissioner have granted similar petitions is rejected. A review of the decisions rendered in each case indicates that in none of the cases was the issue specifically addressed. The Deputy Zoning Commissioner cannot grant relief which is not permitted under the zoning regulations. To do so would usurp the County Council's legislative powers which clearly is not the function of the Deputy Zoning Commissioner. The role of the Deputy Zoning Commissioner is to interpret and implement the B.C.Z.R. as enacted by the County Council.

"All parts of a statute are to be read together to find the intention as to any one part and that all parts are to be reconciled and harmonized if possible. We have further said that a corollary to that rule is that if there is no clear indication to the contrary and it is reasonably possible, a statute is to be read so that no word, clause, sentence or phrase shall be rendered surplusage, superfluous, meaningless, or nugatory." See, e.g., Thomas v. State, 277 Md. 314, 317, 353 A.2d 256 (1976), and the cases there cited. Supervisor of Assess., Etc. v. Southgate Harbor, 279 Md. 586, 369 A.2d 1053 (1977).

The question here is one of construction of the B.C.Z.R. When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa.Comwlth., 1982). When the language of a zoning regulation is

clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Montgomery v. Bevilacqua, 432 A.2d 661 (R.I., 1981).

The meaning of the words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416, 348 A.2d 275 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust, 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1974); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well-settled is the principle that statutes are to be construed with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be considered in its entirety, and in the context of the purpose underlying (its) enactment, Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427 at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Grosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc. Safe Deposit & Trust, Inc. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatewood v. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 613, 623, 65 A.2d

299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context..." (since) the meaning of the plainest words in a statute may be controlled by the context... In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B. E. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra.

In applying these principles to the B.C.Z.R., particularly Sections 101 defining accessory use or structure, and Sections 405.4C and 405.8A, the conclusion is inescapable that under the plain wording of said Sections, the proposed food mart is a "use in combination" and principal use and therefore, not a permitted ancillary use.

In the past when the Office has concluded it has erroneously interpreted and implemented a particular section of the B.C.Z.R., it has corrected its action and enforced the regulations as enacted. This would not be the first and/or probably the last time the Zoning Commissioner and/or Deputy Zoning Commissioner will correct past misinterpretations of the regulations. See In Re, C-F Properties Partnership, Case No. 85-113-SPHA. In that case, the then Zoning Commissioner, Arnold Jablon, reversed a long-standing policy of the Zoning Office which permitted both sides of a multi-faced business sign to be computed as one for the purpose of determining the size permitted. The language of Section 413.2 was found to clearly not support such an interpretation. In this instance, the proposed express mart as a use in combination with a service station is a principal use and not an ancillary use and/or accessory use. While an ancillary use and/or accessory use may be similar, Section 101 of the B.C.Z.R. clearly sets forth the distinction between a "use in combination"

and ancillary use and/or accessory use. As indicated, the zoning regulations distinguish between ancillary uses and uses in combination with service stations. See Sections 101 and 405.4C and D of the B.C.Z.R. The fact that a food mart is permitted as of right in the B.L. zone, as noted by Petitioner, does not change the outcome. The County Council has distinguished between a food mart use standing alone and a use in combination, which is not permitted as of right but only when and where the service station is permitted, and then only after a special exception hearing. In this instance the service station use is not permitted. Therefore, the special exception criteria set forth in Section 502.1 of the B.C.Z.R. need not be addressed.

After reviewing all of the testimony and evidence presented, it appears that the relief requested in the Petitions for Special Hearing and Special Exception should be denied. Further, the variance requested is necessitated by Petitioners' desire to place a food mart on the subject property. In light of the determination that said relief is inappropriate, the variance request must also be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petitions for Special Hearing, Special Exception and Zoning Variance should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of February, 1990 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 5637-RX; the Petition for Special Exception to permit a

food store with less than 5,000 sq.ft. as a use in combination with a gasoline service station (Gas & Go); and the Petition for Zoning Variance to permit a front yard setback of 33.5 feet in lieu of the required 35 feet, in accordance with Petitioner's Exhibit 1, be and are hereby DENIED.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date 2/16/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 2/16/90
By [Signature]

- 9 -

- 10 -

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ANDREW LAMYOWSKY
Michael P. Maher
Edward F. Sheppard
Bernard F. Mannion

1 N. CHARLES ST. BALD. 21201
1111 N. Charles St. B.H. 21201
10615 Reisterstown Rd. 21117
731 HIGH PLAIN DR. 21014

Crown Station MD-4
10615 Reisterstown Road
Owings Mills, MD 21117

ZONING DESCRIPTION

Located on the East side of Reisterstown Road at the southerly intersection with Straw Hat Road and thence running the following courses and distances: N 01° 43' 55" E 35.36'; thence along the southerly right of way of Straw Hat Road N 46° 43' 55" E 140.35'; thence S 43° 16' 05" W 270.88'; thence S 79° 55' 25" W 157.80'; thence along the easterly right of way of Reisterstown Road N 43° 16' 05" W 137.60' to the point of beginning.

Containing 35.719 square feet or .82 AC +.
Property also known as 10615 Reisterstown Road.



MICROFILMED

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-94-SPHXA SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a food store with less than 5,000 square feet as a use in combination with a gasoline service station (Gas & Go) and an amendment to the site plan in Case #5637-RX to allow said use.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: (301) 539-7400

Legal Owner(s):

CROWN STATIONS, INC.
William P. Snyder, VP/Administration
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 12th day of August, 1989, at 2 o'clock P.M.

ORDER RECEIVED FOR FILING
Date 8/12/89
By [Signature]

S.C.O.-No. 1

(over)

CASE # 88-393-XA

Granted 3/30/88

Subject property is zoned B.R. and D.R.Z. with no district superimposed.

CASE # 88-137-XA

Granted

Subject property is zoned B.L.-C.J.-Z and is not located within a planned drive-in cluster.

CASE # 88-298-XJPHA

Granted 2/22/88

Subject property is zoned B.L. with no district superimposed.

CASE # 89-237-XSPH

Granted 1/20/89

Subject property is zoned B.R. and D.R.5.5 with no district superimposed.

CASE # 89-87-XA

Granted 10/19/88

Subject property is zoned B.M.I.M. If an I.M. district is superimposed, no direct access to an arterial street other than a Class I commercial motorway is allowed. In this area, Woodlawn Drive is an arterial street, but it is not a Class I commercial motorway.

MICROFILMED

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-94-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 405.4A.2a to permit a front setback of 33.5' in lieu of the required 35'.

Due to structural limitations involved in the existing canopy columns, which are integral to the store structure, the building location exceeds the 35' setback by 18".

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: (301) 539-7400

Legal Owner(s):

CROWN STATIONS, INC.
William P. Snyder, VP/Administration
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 12th day of August, 1989, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING - 1/2 HR. (1 HR)

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: [Signature] DATE: 8/5/89 (over)

J. Robert Haines

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 18, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 17, 1989.

THE JEFFERSONIAN

OWINGS MILLS TIMES,

S. Zebe Olson

Publisher

PO 15171

reg M34129

ca 90-94-SPHXA

price \$ 86.09

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 108 County Office Building in Towson, Baltimore County, on the 12th day of August, 1989, at 2 o'clock P.M.
Petition for Special Hearing and Special Exception and Zoning Variance
Case number: 90-94-SPHXA
S.C. Petitioners: and
Street Name: 10615 Reisterstown Road
An Election District and Council District
Petitioner(s):
Crown Stations, Inc.
Hearing Date: Tuesday, Sept. 12, 1989 at 2:00 p.m.
Special Exception: A food store with less than 5,000 square feet as a use in combination with a gasoline service station, Gas & Go.
Hearing: And an amendment to the site plan in Case No. 5637-RX to allow said use. Variance from Section 405.4A.2a to permit a front setback of 33.5' in lieu of the required 35'.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the suspension of said permit during the appeal period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or shall not be presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
Aug. 17, 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 3, 1989

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Special Exception and Zoning Variance
CASE NUMBER: 90-94-SPHA
SEC Reisterstown and Strawhat Roads
10615 Reisterstown Road
4th Election District - 3rd Councilmanic
Petitioner(s): Crown Stations, Inc.
HEARING SCHEDULED: TUESDAY, SEPTEMBER 12, 1989 at 2:00 p.m.

Special Exception: A food store with less than 5,000 square feet as a use in combination with a gasoline service station.
Special Hearing: And an amendment to the site plan in Case No. 5637-RX to allow said use.
Variances: To permit a front setback of 4 ft. in lieu of the required 35 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: Crown Stations, Inc.
Andrew Lapeyrouer, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 8/22/89

Crown Stations, Inc.
One North Charles Street
Baltimore, Maryland 21201

ATTN: WILLIAM R. SNYDER

Re: Petitions for Special Hearing and Special Exception and Zoning Variance
CASE NUMBER: 90-94-SPHA
SEC Reisterstown and Strawhat Roads
10615 Reisterstown Road
4th Election District - 3rd Councilmanic
Petitioner(s): Crown Stations, Inc.
HEARING SCHEDULED: TUESDAY, SEPTEMBER 12, 1989 at 2:00 p.m.

Gentlemen:

Please be advised that \$136.09 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 111, Maryland fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 074549

DATE 9/12/89 ACCOUNT R 01-615-000

AMOUNT \$ 136.09

RECEIVED FROM Crown

FOR PIA for 9/12/89 hearing 90-94-SPHA

B 8114*****13609** S132F

VALIDATION OR SIGNATURE OF CASHIER

post set(s), there
for each such set

MICROFILMED

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-94-SPHA

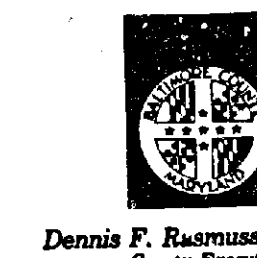
District 4th
Posted for: Special Hearing Special Exception & Variance
Petitioner: Crown Stations, Inc.
Location of property: S.E. Corner of Reisterstown Road and
Strawhat Roads 10615 Reisterstown Road
Location of Sign: On part of subject property 10615 Reisterstown
Road
Remarks: A.J. Haines
Posted by: A.J. Haines
Number of Signs: 3
Date of Posting: August 21-89
Date of return: August 25-89

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

July 24, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

RECEIVED
AUG 3 1989



Dennis F. Rasmussen
County Executive

ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 525, 526, 527, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 557, 558 and 559.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: August 31, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Crown Stations, Inc., Item 527
Zoning Petition No. 90-94-XSPA

The petitioner requests a special exception, special hearing and a variance for a food store use in conjunction with a gasoline station, and an amendment to the site plan in Case No. 5637-RX; and a reduced front setback. In reference to this request, staff offers the following comment:

Submit to the Baltimore County Landscape Planner, a landscape plan for approval.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/st

MICROFILMED

SEP 04 1989



Maryland Department of Transportation State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

June 21, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Crown Stations Inc.
Zoning meeting 6/27/89
N/S Reisterstown Road
MD 140
at Strawhat Road
Item # 527

Dear Mr. Haines:

After reviewing the submittal of a Special Exception and Special Hearing for a food store with less than 5,000 square feet as a use in combination with a gasoline service station, we find the plan must be revised to show a future 80' right-of-way on Reisterstown Road.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

James J. Mills, Jr.
James J. Mills, Jr. Chief
Engineering Access Permits
Division

LB/es

cc: Crown Central Petroleum
Mr. J. Ogle

RECEIVED
JUN 27 1989

ZONING OFFICE

MICROFILMED

FAX #333-1041 333-1350
My telephone number is (301) 333-1350
Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-432-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

JUNE 26, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CROWN STATIONS, INC.
Location: #10615 REISTERSTOWN ROAD
Item No.: 527 Zoning Agenda: JUNE 27, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

CRG 11
ALL SELF-SERVICE STATIONS SHALL HAVE 1 ATTENDANT ON DUTY WHILE THE STATION IS OPEN TO THE PUBLIC. THE ATTENDANT'S PRIMARY FUNCTION SHALL BE TO SUPERVISE, OBSERVE, AND CONTROL THE DISPENSING OF CLASS I LIQUIDS WHILE ACTUALLY BEING DISPENSED. NFPA 30,1987 ED., SEC 7-8.4.3 AND SEC 7-8.4.4.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reincke* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Al Wirth - SWM
Bob Bowling - Dev. Eng. (3)
Frank Fisher - Current Planning
Rahim Famili - Traffic Engineering
Rocky Powell - DEPRM
Larry Pilson - DEPRM
Dave Flowers - DEPRM
Carl Richards - Zoning
Capt. Kelly - Fire Department
Pat Kincer - Rec. & Parks
Chuck Weiss - Sanitation
Larry Brocato - SHA

DATE: August 17, 1989

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: Crown - 10615 Reisterstown Road
Crown Central
539-7400
W-88-261

The subject property was granted a waiver of CRG meeting by the Office of Planning & Zoning. However, CRG approval signatures must be obtained.

Please review the attached plan for concurrence with current development regulations and give us your approval or comments by September 1, 1989. Nonresponsiveness by the aforementioned date is considered to be concurrence by your office of the plan.

SW:g
Attachment
cc: File

NW 12 H
10615-SPHA-2
CASE 5637-RX FOR SHL SM
88-319-A SHL VTR
90-94-SPHA-X

RECEIVED AUG 18 1989
to JLL
WCR

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Date

7/16/89

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 527, Zoning Advisory Committee Meeting of June 27, 1989

Property Owner: Crown Stations, Inc.

Location: 10615 Reisterstown Road District: 4

Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- (☒) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been , must be , conducted.
 - () The results are valid until .
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - () shall be valid until .
 - () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others

[Signature]
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Compliance with all requirements of S.405.4 must be shown on the plan. Show the number of A.T.M. devices and the addition of 1,000 square feet to the calculations for each. (Per S.405.4.c.13), dimension the curb tangents. Per S.405.4.A.3.a., show sign and A.T.M. setbacks. Show the area and dimension of the food store in heavy outline.

Variances which will be required are including, but not necessarily limited to, to permit less than a 35 foot setback for the A.T.M. machines, from internal circulation requirements per S.405.4.A.4.a. and variances for the additional free-standing signs on site if not already permitted by hearing. Also from S.409.4.C to permit an aisle width of less than 22 feet for 90° angle parking.

In addition to the hearings proposed on the plan, a Special Hearing will be required to determine if the use in combination is permitted under S.405.8 as it references S.405.4.c (B.C.2.R.), otherwise:

The fact that the site is now within a B.L. zone establishes that the current use status of the service station is limited by the original Special Exception and, therefore, the use in combination would not be permitted.

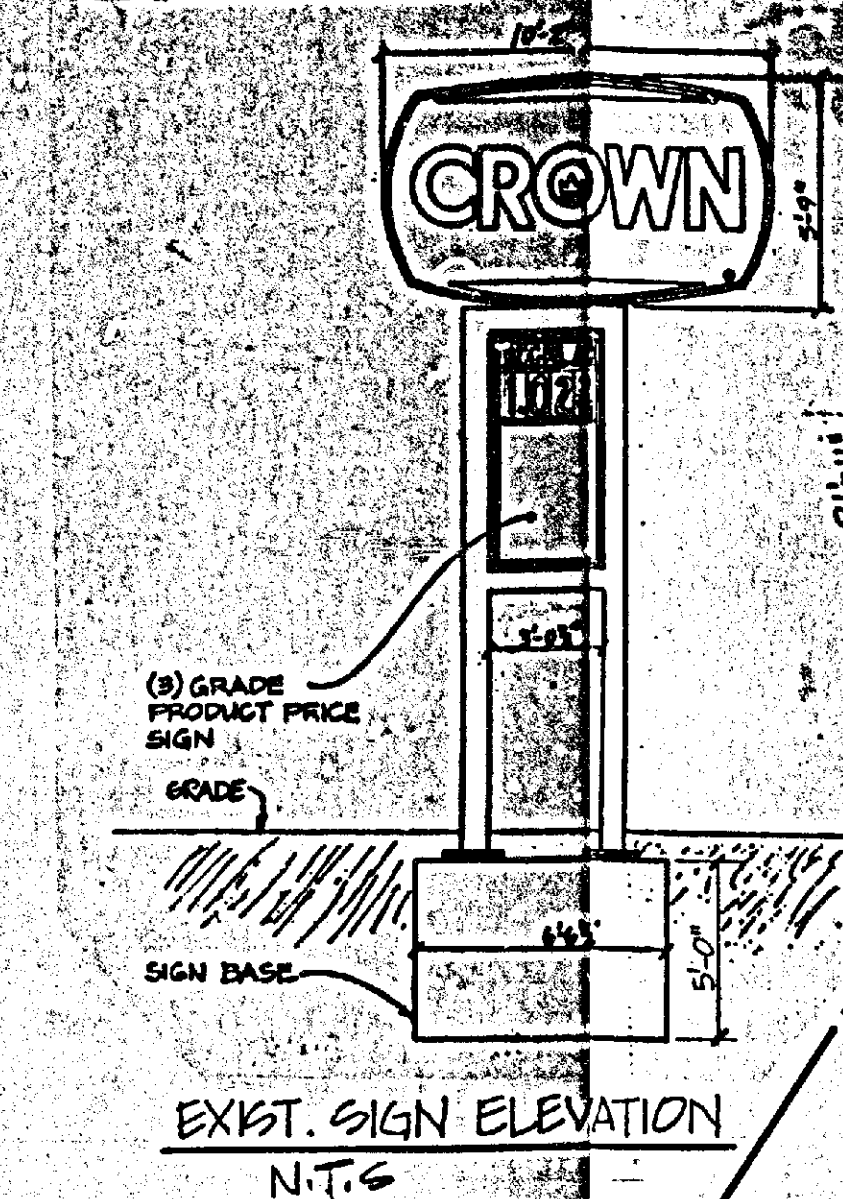
[Signature]
JOHN L. LEWIS
Planning & Zoning Associate III

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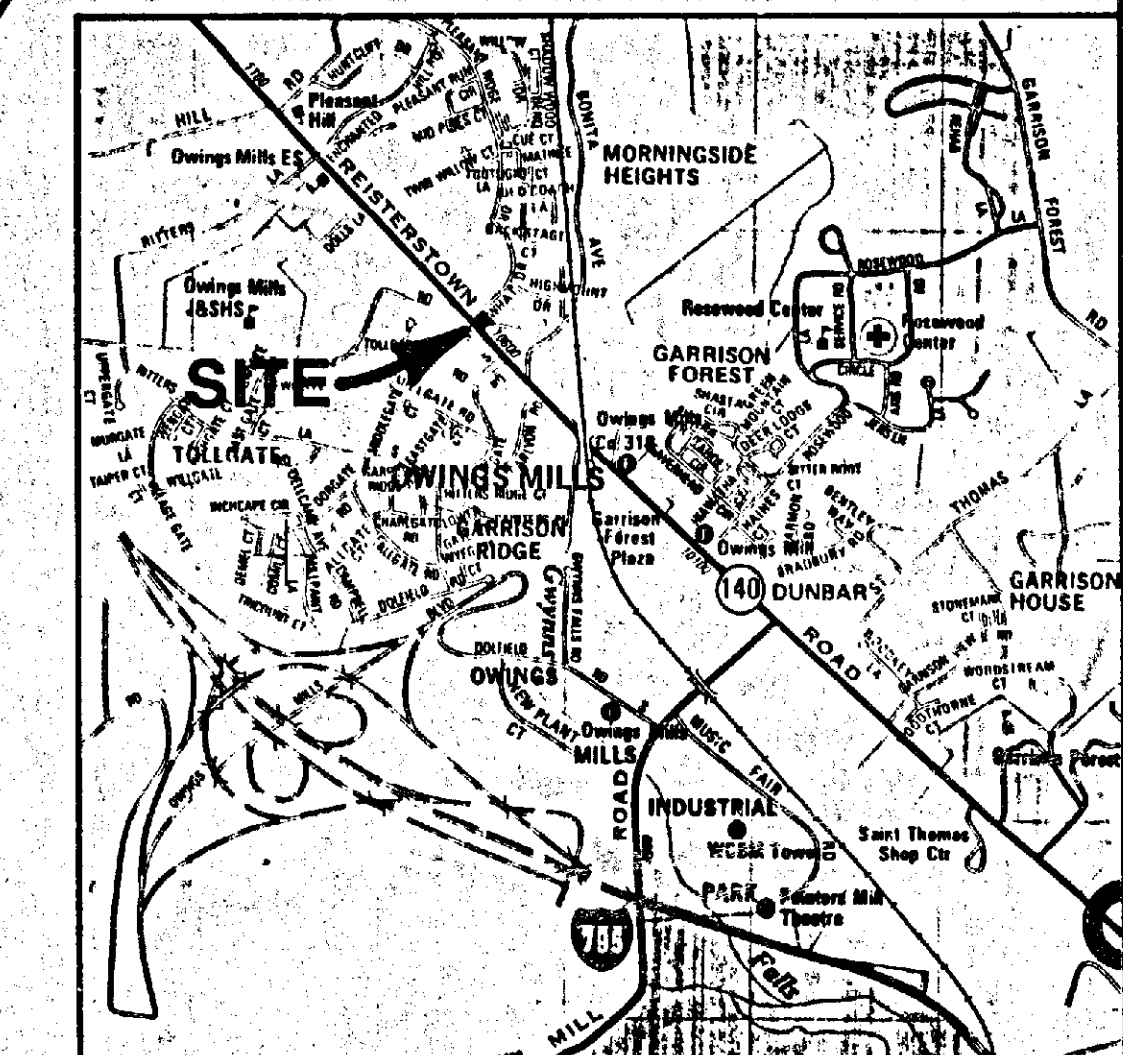


ZONED: R.R.16
(APARTMENTS)
S 43 16 05' E 270.88'

ED SIGN	104.5
PRICE SIGN	146.0
STRUCTURE	110.0
TOTAL PROPOSED	184.5
24. FT.	



EXIST. SIGN ELEVATION
N.T.S.



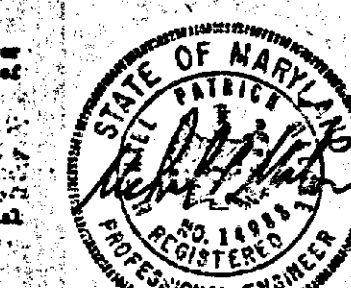
VICINITY MAP
SCALE: 1" = 200'

EXISTING INFORMATION	
EXISTING ZONING: BL	PROPOSED ZONING: GAM W/3.E. VAK. & SPEC. HEARING
SPECIAL HEARING: TO AMEND THE 4TH PLAN IN CASE # 5007-84 TO ALLOW A FOOD STORE AS A USE IN CONJUNCTION WITH GASOLINE SERVICE STATION (S.A. & G.O.)	
SPECIAL EXCEPTION: FOOD STORE AS A USE IN CONJUNCTION WITH A GASOLINE SERVICE STATION (S.A. & G.O.)	
VARIANCE: TO PERMIT A CORNER LOT TO THE R/W LINE IN LIEU OF THE 55' SETBACK	
AREA REQUIREMENTS:	
3 DISPENSER ISLANDS WITH 6 DISPENSERS, CAPABLE OF SERVING 12 CARS AT ONE TIME	
TOTAL SERVICING SPACES = 10	
TOTAL SERVICING BAYS = 10	
TOTAL SPACES AND BAYS = 10	
TOTAL AREA REQUIRED = 10 X 1,500 SF = 15,000 SF (USE 15,000 SF MIN.)	
TOTAL WAITING SPACES = 10	
ANCILLARY USES:	
MINOR ACCESSORY USES AS PERMITTED IN SECTION 405 OF B.C.Z. NO ADDITIONAL SQUARE FOOTAGE REQUIRED	
COMBINATION USES:	
FOOD STORE SALES (MINI MARKET) ADDITIONAL SQUARE FOOTAGE = FACTOR 4 = 1,848 SF	
TOTAL AREA REQUIRED = 15,000 SF + 1,848 SF = 16,848 SF	
TOTAL AREA OF TRACT = 52,713 SF OR 12.2 AC	
ACCESS POINTS:	
NUMBER OF DRIVEWAYS ON MAJOR STREET REQUIRED WITH VENTURE: 2	
ACTUAL SITE WIDTH = 132'-0"	120'-0"
LANDSCAPING:	
LANDSCAPING REQUIRED (5% OF SITE) = 722 S.F.	
LANDSCAPING PROVIDED = 1,522 S.F.	
PARKING:	
PARKING SPACES REQUIRED = 1 FOR EVERY 300 S.F. OF FLOOR SPACE (RETAIL) + 3.3 FOR EVERY 1,000 S.F. ACCESSORY	
= 462 S.F. + 100 S.F. = 562 S.F.	
4 PARKING SPACES PROVIDED = 2.21 USE 3 (INCLUDING 1 LANDSCAPED)	
AREA DISTURBED BY NEW CONSTRUCTION = 822 S.F. ±	
EXISTING	
EXIST USE: "GAS & GO" SERVICE STATION	
PROP. USE: "GAS & GO" SERVICE STATION	

CASE 80-39-A (4/15/86)
GRANTED VARIANCE FOR A SIGN SETBACK FROM A STREET R/W OF 2 1/2' IN LIEU OF REQUIRED 6' AND TO PERMIT OTHER BUSINESS SIGNS OF 18" X 36" IN LIEU OF THE PERMITTED 100" X 32" FT.

CASE 80-37-RX (1/27/82)
GRANTED RECLASSIFICATION FROM "R-6" TO "BL" & A SPECIAL EXCEPTION FOR GASOLINE SERVICE STATION W/ RESTRICTIONS.

2. SIGNAGE - ALL signs shall be installed in accordance with the provisions of the Baltimore County Ordinance 10-101, which provides for the following:
 - a. Signs shall be so placed as not to obstruct the view of the street or any intersection.
 - b. Signs shall be so placed as not to obstruct the view of the street or any intersection.
 - c. Signs shall be so placed as not to obstruct the view of the street or any intersection.
3. LOT 1 - 8,217 S.F. - only minor and emergency repairs and maintenance shall be permitted on this lot. The lot shall be used for the purpose of a building, and no other use shall be permitted on this lot. The lot shall be used for the purpose of a building, and no other use shall be permitted on this lot.
4. LOT 2 - 8,217 S.F. - only minor and emergency repairs and maintenance shall be permitted on this lot. The lot shall be used for the purpose of a building, and no other use shall be permitted on this lot.
5. LOT 3 - 8,217 S.F. - only minor and emergency repairs and maintenance shall be permitted on this lot. The lot shall be used for the purpose of a building, and no other use shall be permitted on this lot.



MICROFILMED
PLOT PLAN FOR SPECIAL EXCEPTION, MD-4
VARIANCE AND SPECIAL HEARING

CROWN CENTRAL PETROLEUM CORPORATION	
PRODUCERS • REFINERS • MARKETERS OF PETROLEUM PRODUCTS AND PETROCHEMICALS	
GENERAL OFFICES • ONE NORTH CHARLES • P.O. BOX 1168 • BALTIMORE, MARYLAND 21203	
PLOT PLAN - EXPRESS MART INSTALLATION - MD-4	
10615 REISTERSTOWN & STRAW HAT ROAD	
OWINGS MILL, MARYLAND, 21117	
4TH E.D.	
SCALE: 1" = 10'-0"	DATE: 7 JUNE 1988
STATION NUMBER: MD-4	REV. NO. 3
DRAWN BY: AAB	CHECKED BY: [Signature]
DRAWING NUMBER: CCP-7249R	REV. NO. 3

STRAW HAT ROAD

REISTERSTOWN ROAD

LIGHT DETAIL

